

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

PLAINTIFF,

V.

CHARLES H. McALLISTER,

DEFENDANT.

CASE NO. 1:18-CV-0346

JOINT ADR REPORT UNDER LOCAL RULE CV-88

Plaintiff Commodity Futures Trading Commission (“Plaintiff” or “Commission”) and Defendant Charles H. McAllister (“Defendant”) hereby submit this Joint ADR Report pursuant to the Scheduling Order entered by this Court on June 12, 2020 (Dkt. No. 28) and Local Rule CV-88.

I. STATUS OF SETTLEMENT NEGOTIATIONS

Plaintiff and Defendant are actively engaging in settlement negotiations and believe they have reached an agreement in principle. The parties intend to continue negotiating the precise terms of the settlement and, if Plaintiff receives the Commission's approval, to file a Proposed Consent Order for Permanent Injunction and Other Equitable Relief with the Court.

II. PERSONS RESPONSIBLE FOR SETTLEMENT NEGOTIATIONS

For Plaintiff, Commission Division of Enforcement attorney J. Alison Auxter is conducting settlement negotiations, but it should be noted that Ms. Auxter must obtain

Commission approval for any settlement ultimately reached between the parties. Charles McAllister is conducting settlement negotiations on behalf of Defendant.

III. APPROPRIATENESS OF ALTERNATIVE DISPUTE RESOLUTION

Because Plaintiff and Defendant are making significant progress towards settlement, they do not believe that ADR is appropriate or necessary at this time.

Respectfully submitted,

Dated: November 19, 2020

/s/ J. Alison Auxter

J. Alison Auxter (Missouri Bar No. 59079)
Attorney for Plaintiff
Commodity Futures Trading Commission
4900 Main Street, Suite 500
Kansas City, MO 64112
(816) 960-7700 (telephone)
(816) 960-7751 (facsimile)
aauxter@cftc.gov

/s/ Charles H. McAllister

Charles H. McAllister (Pro Se)
Defendant
1550 Opelika Rd. #6-143
Auburn, AL 36830
(512) 626-2949
texasmcallister@yahoo.com